

Nadler Lauds Passage of Hate Crimes Legislation in Defense Bill

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WASHINGTON, D.C. – Today, Congressman Jerrold Nadler (D-NY), a conferee on H. R. 2647, the National Defense Authorization Act for FY 2010, cheered the passage of the Hate Crimes Prevention Act, which was included in the Defense bill, while registering his strong reservations on the military commissions provision also included. Nadler has long backed the hate crimes legislation and, both today and on Tuesday night, spoke on the House floor in its defense, helping Democrats defeat Republican efforts to remove that provision from the Defense bill. With hate crime incidence increasing nationwide, this legislation will expand the resources of state and local law enforcement to investigate and prosecute crimes of violence committed against individuals on the basis of race, religion, national origin, gender, sexual orientation, gender identity or disability.

“I am extremely pleased to mark the passage of the historic Hate Crimes Prevention Act within the National Defense Authorization Act,” said Nadler. “It is remarkable that, at this late date, hate crimes legislation should remain a controversial idea. The idea that someone could be singled out for a crime of violence due to his or her actual or perceived race, religion, gender, sexual orientation, gender identity, or disability is simply repugnant. Hate crimes are real, and they are all too frequent. This hate crimes legislation will protect all Americans from the scourge of violent hate crime.”

The following is Nadler’s statement on the House floor today, as prepared:

“Mr. Speaker, I rise in support of this conference report, with some serious reservations.

“This legislation will finally enact the Local Law Enforcement Hate Crimes Prevention Act. That is a historic, albeit long overdue, accomplishment.

“Whether it is because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability of the victim, these violent acts causing death or bodily injury target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group.

“Today, we have the opportunity to do the right thing. I hope we can agree to do so.

“I am concerned, however, about the section dealing with military commissions. It makes some important improvements but, in some key ways, the system will remain at odds with our best traditions.

“When President Obama initially suspended use of military commissions, I was optimistic that we had seen the end of this flawed system. President Obama has since signaled his intent to revive the commissions, and has called for reforms that would bring them in line with the rule of law. His goal, which I share, is a system that is fair, legitimate and effective. But we already have that in the Uniform Code of Military Justice and our Article III courts. We should use these existing tools and stop insisting on a new and inevitably second-class system.

“We cannot win the battle to end military commissions today, but, in the meantime, and given the existing Military Commissions Act of 2006, which can be used to try detainees and allows for the admission of statements obtained through the use of cruel, inhuman, and degrading interrogation methods, we should not oppose improvements to this system. Changes made by this bill do improve existing law by placing further limits on the use of coerced testimony and hearsay, expanding the scope of appellate review to include review of facts and not just law, and taking greater account of the need for adequate defense counsel and resources.

“These changes do not go far enough, and additional changes suggested by the Judiciary Committee — including a sunset provision, a limitation on the use of military commissions for Guantanamo detainees, a voluntariness requirement for all statements, a different appeals structure, and a prohibition on the trial of child soldiers by military commission — should have been adopted. Nonetheless, I support the improvements made by this conference report, with the hope that we can make further progress in the future.

“So I will support this conference report, mindful that our work is not done. I urge my colleagues to do the same.”